

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DEUTSCHE BANK TRUST COMPANY
AMERICAS, F/K/A BANKERS TRUST
COMPANY, AS TRUSTEE,

Plaintiff,

v.

MELVIN L. MOULD II and LISA M.
MOULD and All Occupants of the Premises
located at 4110 Thornton Road Southeast,
Olympia, WA 98513,

Defendants.

Case No. C05-5335FDB

ORDER REOPENING CASE AND
REMANDING TO THURSTON
COUNTY SUPERIOR COURT

This matter was originally filed in Thurston County Superior Court pursuant to a “Complaint for Unlawful Detainer” as to real property purchased by Plaintiff Deutsche Bank at a nonjudicial foreclosure sale. The Complaint stated that Defendants Mould were residing on the premises and were unlawfully detaining the subject property.

Defendants Moulds removed the case asserting various grounds. The Moulds filed the Superior Court pleadings with their Verification. The Complaint is not stamped with the date it that it was filed in Thurston County Superior Court, but it is dated above the lawyer’s signature block as January 17, 2005. The Moulds’ Answer is dated February 7, 2005 by their signature lines and it also


1 bears a Thurston County Superior Court "filed" stamp dated February 10 2005. Notice of Removal
2 was filed May 20, 2005. From the date of removal Defendants Mould have moved for leave to
3 proceed *in forma pauperis*, and have moved for reconsideration twice. On July 20, 2005, Deutsch
4 Bank wrote to the Court noting that the case was showing that it was closed and asking that it be
5 reopened in order that Deutch Bank could move for remand. On August 5, 2005, Defendants
6 Moulds tendered the \$250.00 filing fee.

7 It does not appear that this cause of action was timely removed by the Moulds within 30 days
8 of the service of the Complaint on the Moulds. There may be jurisdictional defects as well.

9 ACCORDINGLY, IT IS ORDERED:

- 10 1. The Clerk of the Court shall reopen this cause of action;
11 2. This cause of action is REMANDED to the Thurston County Superior Court.

12 DATED this 9th day of August, 2005.

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15 FRANKLIN D. BURGESS
16 UNITED STATES DISTRICT JUDGE
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